



**Forest Acres Planning Commission
Minutes
February 20, 2018 6:00 P.M.
Forest Acres Council Chambers
5205 N. Trenholm Rd.**

1. Call to order - determination of a quorum.

Joe Gentry, Chair, called the meeting to order at 6:05 P.M. and a quorum was determined by the presence of Ellis Creel, Will Dillard, Jack Cantey, Stephen Powell, Ralph Bailey, Joe Gentry, and Pendleton Grove.

Mr. Gentry noted that, while not required, the Planning Commission would entertain public comment at a certain point later in the meeting. He encouraged those speaking (whether for or against the proposal) to try to aggregate comments, allowing one speaker to represent like concerns, and to engage one another respectfully.

Proper notice had been given for this meeting and corresponding map amendment.

2. Approval of Previous Meeting Minutes: January 23, 2018

Mr. Cantey made a motion to approve the December 19, 2017 minutes; Mr. Bailey seconded. Minutes were approved unanimously.

3. New Business

1. Map Amendment No. PDD-2018-02

A request by the owner to rezone property on Sunnyside Drive (TMS 13907-01-09) from Public Institutional (P-1) to a Planned Development District (PDD).

A. Opening Statement -

Mr. Greenwood introduced this item noting that the property is currently zoned P-1, is a mostly undeveloped part of the former Carolina Children's Home site, and is comprised largely of open space and trees. The applicant is proposing a PDD zoning designation, consisting of a commercial component (assisted living building connected by an amenities building to a memory care building) and residential component (approximately 40 cottage units—many of which are connected, duplex-style—for non-assisted living arrangements). Total number of beds will not exceed 260. Current plan includes 82 assisted living units, 40 memory care units and 40 independent living cottages; however, they've requested a maximum of 170 units (6.7 units per acre) to allow for some contingency for a few more units if determined possible once they get into the "hard" engineering. Current plan provides for 60 parking spaces for the 40

cottages (i.e., less than the 2 spaces per residential unit typically associated with residential uses in the zoning ordinance). Mr. Greenwood noted that, overall, staff believes that the mixture of uses is suitable for this property and will not create any planning/zoning issues. Mr. Greenwood further noted that he had provided the Planning Commission a list of 6 considerations developed by staff that would be addressed later in the meeting.

Mr. Gentry turned the floor over to Mr. Bob Fuller, attorney representing the applicant, Custom Gardens of Forest Acres, LLC. He noted that the parent company is principled in Orlando, doing work throughout the southeast. He introduced the team proposing the project (developer, environmental consultants, engineers, etc.). The project property is approximately 26.5 acres consisting of the north end of the old Carolina Children's Home property (the rest of the property having been acquired by Epworth Children's Home and two churches near the property). Mr. Fuller noted that, while the developer is out of Orlando, much of the project team consists of many Midlands-area professionals. The existing P-1 zoning is too specific to do much that would efficiently utilize the property, so the proposal is a PDD that will attempt to coherently and cohesively develop the entire tract creating a "synergetic" senior living environment. The property will only be accessed from Sunnyside Dr. and the property will be low-intensity (little traffic) and self-contained. He noted that it will provide a significant tax base for Forest Acres.

Mr. Fuller turned the floor over to developer, Mr. Buddy Smith, who noted that while he lives in Orlando, he is from Walterboro and graduated from University of South Carolina and knows the Midlands and SC well. The purpose of this project is to meet an increasing demand for senior living. He noted the importance for many people that they "age-in-place", staying with existing doctors, churches, etc. The typical resident, then, will be local. But, he also anticipates residents consisting of aging folks who move to Columbia to be near children and other relatives. He noted that this would be an ideal neighbor to the Epworth Children's Home because the two types of uses have similar rhythms, despite the age difference of the residents. Mr. Smith reiterated the mix of unit types (discussed by Mr. Greenwood) and noted that the maximum building height in the plan is 55 feet. He discussed parking – garages in the independent living cottages with additional parking scattered throughout the "village" and 90 spaces for the commercial component of the property (primarily for staff and visitors for the memory care and assisted living units). He noted that this is consistent with other projects they've done that have 0.7 parking spaces per unit in the commercial component. He turned everyone's attention to the site plan, noting that they've developed this over the course of 2 years trying to be sensitive to as many stakeholders as possible. He noted that most of the site (~60%) will be undeveloped.

Mr. Smith turned the floor over to Mr. Yancey McLeod. Mr. McLeod noted that he has a history of fighting development plans in the Midlands, clarifying that he's not against development, just against what he considers inappropriate development. He noted that appropriate development can only be determined on a site-by-site basis by a team of experts studying the physical, biological, and chemical characteristics of the property.

He noted that this developer did the right thing by bringing in such consultants, determining the sensitive areas of the property, and agreeing to protect all such areas. Mr. McLeod gave his full endorsement for this proposal (which he considered to have a light footprint, well-thought out use of land, and sensitivity to environmental concerns). Mr. McLeod further discussed the intended use of large setbacks, planting, and avoidance of wetlands to create buffers from adjacent properties. Then, he addressed a concern about increased runoff from the site noting that storm water regulations stipulate that runoff cannot be greater after development than before, so measures would be taken to mitigate any runoff (i.e., there would be a net-zero impact of runoff from the site). He further noted that he and Mr. Smith are discussing the possibility of completing “compensatory mitigation” on a stream on the site that had previously been channelized, returning it to its natural flow.

Mr. McLeod turned the floor over to Ms. Laura Baker, from Cox and Dinkins, who discussed water quality and quantity for the site. They will utilize low impact development measures (e.g., rain-gardens around parking lots, which filter and recharge groundwater). She noted area examples: Whole Foods parking lot, Gamecock stadium.

Ms. Baker, turned the floor over to the architect/designer, who discussed building design. He noted the importance of wellness and aesthetics for Tuscan Gardens. The intention is to use the beauty of the site to their advantage working with the topography in creating a “hillside village”, which will have a minimal impact on the site while maximizing the enjoyment of the site by the residents and visitors. He noted that parking would be dispersed around the neighborhood and other design features will help foster community. He noted that their previous designs (in Florida) have had a Mediterranean design but that they would make sure that designs for this site would be appropriate for the location. Further, design materials would be durable and long-lasting and design features would be detailed. Their goal is for the buildings to “interact” with the site.

B. Public Testimony

Mr. Gentry opened the floor to public comment, asking that those in favor of the project speak first, limiting comments to a few minutes:

- A resident from the Tanglewood neighborhood noted that he’s been impressed with Mr. Smith’s development work and he doesn’t think any other proposal would have as low an impact as the proposed project.
- Madilyn Fletcher, president of the Gills Creek Watershed Association, environmentalist with USC and a resident of Blythewood, noted that she sees this project as an example of responsible development that takes environmental issues into consideration (protection of resources, buffers and open space).
- Mr. R. Powell, Sunnyside Dr., noted that the developer has listened to the neighbors and taken their concerns into account. He noted his support for the

project with the caveat that traffic considerations be addressed, particularly with a 3-way stop at the entrance of the development on Sunnyside.

- Ms. D. Droder, Brookwood Ct., noted her involvement in this site since 2014 when a prior proposal surfaced. She noted that the current developers (unlike the previous) have demonstrated good planning, use of local partners, and willingness to preserve 12-13 acres of greenspace. She is also happy with the developer's plan to use "Dark Sky" lighting, which demonstrates their willingness to create a high quality product. She worries that if this project doesn't come, something much worse will come later.
- Ms. A. Larkin, W. Buchanan Dr., noted her concerns with the previous development plan (2015) because of lack of infrastructure planning. She thinks that this developer has a much more well-thought out plan with respect to infrastructure and that they're more financially stable.

A number of folks began to speak who noted that they were neither in favor nor opposed to the rezoning proposal, but wished to make comments:

- Mr. L. Robinson, Ivy Ln., wanted to know whether post-development run-off would be less than current and if a traffic study had been conducted. Mr. Buddy Smith noted first that a traffic study was not required by DOT because the traffic impact is below the threshold required for a study. Mr. Smith noted that regulations stipulate that post-development run off can't be greater than pre-development.
- Mr. R. Beard, Grace Hill Rd., wanted to know if there's a study showing whether there would be more or less hardscape than on the site now. Mr. Gentry noted that regardless of the amount of hardscape, post-development runoff cannot exceed predevelopment runoff according to DHEC regulations. The engineers noted that a development, if planned well, can reduce runoff while increasing hardscape.
- Another Grace Hill resident asked what staffing and food service would look like with approximately 260 beds. Mr. Smith noted that they anticipate having roughly 100 Full-time equivalents (FTEs) split between 12-hr shifts, 24/7. The heaviest staffing and food service times would be from 10a – mid-afternoon.
- A resident wanted clarification on numbers of units/beds. Mr. Smith noted that there will be 130 units plus 40 cottages. Mr. Sergeant asked how there would be enough parking for all of those with staff. Mr. Smith noted that most assisted living residents don't have cars and no memory care resident will have a car. He further noted that they have no concerns, operationally, about the need for more parking than planned.
- Ms. Sergeant, Sunnyside, noted that generally she liked the proposal, but had concerns about preservation of hardwoods and other vegetation on the site, particularly along Sunnyside Dr. Mr. Greenwood noted that land development regulations govern much of that. Mr. Smith noted that, because Sunnyside is the main entrance to the project, they'll have every incentive to create a beautiful "wow" factor entrance, which includes vegetation and planting; they want to be "liked" by the surrounding community which means that they have to be good citizens. Mr. Gentry noted that the city has regulations that mitigate the effect of taking down trees by requiring replanting. Mr. McLeod offered to walk the entire length of the Sunnyside frontage with interested neighbors.

- Ms. McConnell, Whitehall noted similar concerns as Ms. Sergeant.
- Mr. Hyman, Grace Hill Rd., noted his concerns with traffic and his surprise that there hasn't been a traffic study (regardless of whether SC DOT requires it).

A number of folks began to speak who opposed the rezoning proposal (or to certain aspects of the plan):

- Ms. Anderson, Sunnyside, noted her concerns with traffic on Sunnyside which she notes is already a cut-through route. She worries about the increased traffic from workers, residents, and visitors to the site.
- Mr. Cook, Sunnyside, asks why there's no entrance off of Belmont. He doesn't like that the only entrance/exit is Sunnyside. Ms. Baker confirmed where the entrance will be on Sunnyside and noted that there are no options for an entrance from Belmont because the existing "entrance" to the site from there is private property and has been closed. Further, that area in the floodway and floodplain of Pen Branch which is being preserved in the plan.
- A resident from Grace Hill noted his concern with traffic from commercial development in a residential area with lots of children.
- Ms. Reeder, Girardeau at Sunnyside, asks what the PDD zoning would allow in the future especially if this developer backs out. Mr. Gentry and Mr. Greenwood noted that the PDD dictates what can go there regardless of what happens with the developer. The plan can't change without coming back to the Planning Commission and City Council.
- Ms. Turner, Grace Hill/Sunnyside, objects to the one entrance on Sunnyside which will make it hard for her to get out of her driveway. She asked if there's a way to establish ingress/egress off of Maiden Ln, through the Epworth site. Also wants limitation on the height of buildings. Mr. Smith noted that there is a limitation on height (4 stories and 55 ft). She asked, and Mr. Greenwood confirmed that no additional commercial (e.g., beauty shop, etc.) can be added without a major amendment to the PDD requiring a return to the Planning Commission.
- Ms. Corbet (representing herself and husband), Grace Hill, doesn't think their neighborhood can sustain this development. She's also worried about the aesthetics of the Tuscan Gardens' other projects (Mediterranean style).
- Mr. Fost, Girardeau/Sunnyside noted that his property currently backs up to a physical therapy building and that it creates a great deal of traffic. This site would do the same.

Mr. Gentry closed the public input period.

C. Motion

Mr. Gentry opened the floor to Planning Commission members.

Mr. Cantey asked again about aesthetics of the building. The architect confirms that they don't know yet what the "look" will be (although their existing projects are Mediterranean). He noted that his intention is for the project aesthetics to fit Forest Acres.

Mr. Cantey asked Mr. Greenwood to go through the staff recommendations mentioned at the beginning of the meeting. Mr. Greenwood noted that these recommendations deal primarily with strengthening the descriptive statement of the PDD:

- List of permitted uses should be more explicit (including NAICS numbers) in the descriptive statement rather than just referring to the site plan, so that there are no questions down the road about what can go there.
- Make distinction between height maximum of commercial and residential components. Mr. Greenwood noted that this item was addressed and is now in the amended version of the PDD.
- Explicitly note the location of commercial dumpsters on the site plan, with discussion of screening and noise mitigation.
- Discuss emergency vehicle access and minimization of lights/sirens.
- Sign requirements - explicit discussion of what signs will look like rather than just a reference to the City's sign ordinance. The sign ordinance for commercial would allow signs that don't have a residential feel.
- Include specific language about lighting - down-lighting/"dark-sky" lighting; reduction of light pollution.

Mr. Gentry suggested that these staff suggestions be attached to whatever the Planning Commission's vote is, with staff and attorney working out the proper language.

The Planning Commission and Mr. Greenwood clarified the issue of signage noting that, for this site, commercial signage (as defined by our ordinance) is probably too broad while residential signage (as defined by our ordinance) is too narrow. Mr. Dillard encouraged staff to work with the developer to properly define signage in the PDD.

Mr. Grove asked about and Mr. Smith answered the number of units his group currently manages: 600-700 units in 4 unique complexes (with 2 complexes under construction). Mr. Grove commended the developer for their planning and the group they've assembled to help and for their emphasis on conserving greenspace.

Mr. Dillard asked administration the number of houses that could go on the site under its current zoning. Mr. Greenwood noted that that's really an engineering question contingent upon the topography and engineering of the site. Mr. Gentry noted that prior provisional plans have shown up to 170 or more on the site.

Mr. Dillard asked the developer about the need for 4 stories in the commercial component to be in the PDD (i.e., whether they might say 3 in the PDD and back to the Planning Commission with a major amendment if they find they need 4). Mr. Smith noted that this is written this way for contingency. Mr. Greenwood confirmed that at this point in the planning (i.e., before "hard" engineering), setting such a height and story maximum with some contingency planning is normal.

Mr. Dillard also encouraged more specific language/guidelines in the PDD about planting and tree preservation.

Mr. Gentry called for the question.

Mr. Dillard made a motion to recommend approval of the developer's proposal to rezone property on Sunnyside Drive (TMS 13907-01-09) from Public Institutional (P-1) to a Planned Development District (PDD) with the stipulation that staff suggestions and guidelines regarding planting and tree preservation be incorporated. Mr. Cantey seconded.

The Planning Commission adopted the motion 6-0.

2. Text Amendment 02-2018

A request by staff to amend Section 21.6.1 (Non-conforming Uses) to increase the extent existing non-conformities can be repaired or altered from ten (10) percent to fifty (50) percent of the fair market value of the improvement.

- A. Opening Statement** – Mr. Greenwood noted that the current 10% requirement is quite restrictive and places a significant burden on owners of particularly older properties, resulting in the properties losing existing non-conformity status. In staff and city attorney's opinion this should increase to 50% bringing the ordinance in line with other cities and allowing existing building stock to be upgraded within reason. Mr. Greenwood noted that FEMA's substantial damage threshold is 50%, as well. Mr. Lindler, Building Official, noted that the area where this has the largest effect is parking non-conformity. Mr. Greenwood noted that this language change would not pertain to use changes, so a proposed use change would still require bringing a property back into conformity.

Mr. Dillard asked about properties that would need more than 50% (i.e., if there were a mechanism through the ZBA to grant a variance). Mr. Greenwood noted that we could write special exception language into the ordinance in the future that notes that, with certain criteria, such a case could go to the ZBA. He noted if that becomes an issue, he'll bring this back to the Planning Commission.

- B. Public Comment** – There was no public comment.

- C. Motion – Mr. Cantey made a motion to amend Section 21.6.1 per staff's suggestion. Mr. Bailey seconded.**

The Planning Commission adopted the motion 6-0.

- 4. Other Business** – There was no other business.

5. Adjourn

Mr. Cantey made a motion to adjourn at 8:05 pm, seconded by Mr. Creel.

Respectfully Submitted,

Andy Smith, Asst. City Administrator/Finance Director
(Administrative support of Planning Commission)